THE MYSORE PUBLIC SERVICE COMMISSION (CONDUCT OF BUSINESS AND ADDITIONAL FUNCTIONS) ACT, 1959.

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MYSORE ACT No. 20 OF 1959.

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THE MYSORE PUBLIC SERVICE COMMISSION (CONDUCT OF BUSINESS AND ADDITIONAL FUNCTIONS) ACT, 1959.

(*As amended by Act* 25 *of* 1966).

(*Received the assent of the Governor on the Thirty-first Day of December* 1959).

An Act to prescribe the procedure to be followed by the Mysore Public Service Commission for the performance of its functions and to provide for the exercise of certain additional functions by the Commission.

Whereas it is expedient to prescribe the procedure to be followed by the Mysore Public Service Commission for the performance of its functions and to provide for the exercise of certain additional functions by the Commission ;

Be it enacted by the Mysore State Legislature in the Tenth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

1. *Short title and commencement.*—(1) This Act may be called the Mysore Public Service Commission (Conduct of Business and Additional Functions) Act, 1959.

(2) Section 2 and Chapter II of this Act shall come into force at once ; and the remaining provisions shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires—

[1][(*a*) 'Assistant Secretary' means the Assistant Secretary to the Commission, or in his absence such other person discharging the duties of the Assistant Secretary for the time being ;]

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1. Inserted by Mysore Act 25 of 1966.

(*aa*) "Commission" means the Mysore Public Service Commission.

(*b*) "Government" means the State Government;

(*c*) "Member" means a Member of the Commission and includes the Chairman thereof;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "Secretary" means the Secretary to the Commission; or in his absence, such other person discharging the duties of the Secretary for the time being.

CHAPTER II.

Conduct of Business by the Commission.

3. *Procedure for performance of functions of the Commission.*—The provisions of this Chapter shall be applicable for the performance of the functions of the Commission under the Constitution or under any law for the time being in force.

4. *Decision of questions.*—All questions arising for decision by the Commission shall be decided either at a meeting of the Members of the Commission or by circulation among the Members of the Commission:

Provided that if any Member desires that any question should be decided at a meeting, such question shall be considered and decided, at a meeting of the Commission:

Provided further that it shall not be necessary to circulate the papers relating to any question to a Member who is on leave other than casual leave.

5. *Agenda for meetings.*—The Secretary shall prepare the agenda and convene the meetings of the Commission after giving notice to all the Members.

6. *Decision by majority of votes.*—Every question at a meeting of the Commission shall be determined by a majority of the votes of the members present and voting on the question; and in the case of an equal division of votes, the Chairman shall have a second or casting vote.

7. *Procedure during absence of Chairman.*—If the Chairman is unable to be present at a meeting of the Commission, the seniormost Member present shall act on his behalf:

Provided that the Chairman shall be informed of such decisions arrived at in such a meeting in respect of any case which he may specify; and if on being so informed he is of the opinion that any such decision should be reconsidered at a meeting of the Commission at which he is present, such decision shall be reconsidered accordingly, and until such reconsideration no action shall be taken on such decision.

8. *Vacancy, etc., not to invalidate proceedings.*—The proceedings of the Commission shall not be invalidated by any vacancy or by the absence of a Member.

9. *Quorum.*—The quorum for a meeting of the Commission shall be two but the Presiding Officer may adjourn any business at a meeting if he is of opinion that it cannot conveniently be transacted owing to the non-attendance of any Member.

10. *Recording of decisions.*—All decisions of the Commission shall be recorded by the Secretary in such manner as the Commission may direct. It shall be open to any Member who dissents from a decision, to record his dissent and if he thinks fit, also his reasons for such dissent.

11. *Communications to be signed* [1][*by the Secretary or the Assistant Secretary.*]—Whenever the Commission is required to be consulted by or to give advice or forward proposals to, or to be consulted by, any authority, the opinion or the decision of the Commission shall be communicated in a letter signed by the Secretary [2][or by the Assistant Secretary] and, in a case where the opinion or the decision is not unanimous, neither the fact of, nor the grounds for, dissent shall be communicated unless the Commission so directs.

12. *Deputation of Members.*—The Commission may depute one or more of its Members to be associated with any Committee or Board which may be set up to deal with problems relating to recruitment or promotion:

Provided that where consultation with the Commission is required on any point, the recommendations of the Committee or Board shall be forwarded to the Commission for advice.

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1. Substituted by Mysore Act 25 of 1966.
2. Inserted by Mysore Act 25 of 1966.

13. *Interviews.*—When candidates for appointments have to be interviewed by the Commission, the interview may be conducted by two or more Members authorised by the Commission, and the results of such interview shall be placed before the Commission for decision.

14. *Action in urgent cases.*—The Chairman, or in his absence the next Senior Member, may deal with any urgent matter appearing to him to require immediate action. Such action shall be reported to the commission as early as possible.

15. *Procedure in other cases.*—In matters for which no provision is made in this Chapter, Government may make rules in consultation with the Commission ; and subject to the provisions of such rules, the Commission may regulate its proceedings in such manner as it thinks fit.

CHAPTER III.

Additional Functions.

16. *Conduct of Service Examinations.*—Such examinations which persons serving in connection with the affairs of the State are required to pass under the conditions of recruitment or service applicable to them and which may be notified by Government under this section, and such other examinations as may be notified by Government from time to time shall, with effect from such date as the Government may appoint, be conducted by the Commission in accordance with such rules as may be prescribed.

17. *Functions in respect of services of local authorities.*—(1) Notwithstanding anything contained in any law relating to the appointment and conditions of service of employees of local authorities—

(*a*) the Commission shall be the authority competent to conduct examinations for appointments to the services of local authorities and it shall be the duty of the Commission to conduct such examinations ;

(*b*) the Commission shall be consulted—

(i) on all matters relating to methods of recruitment to services and posts under a local authority ;

(ii) on the principles to be followed in making appointments to services and posts under a local authority and in making promotions from one service to another and on the suitability of candidates for such appointments or promotions ;

(iii) on all disciplinary matters affecting a person serving under a local authority including memorials and petitions relating to such matters;

(iv) on any claim by or in respect of a person who is serving or has served under a local authority that any cost incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the funds of the local authority concerned;

(v) on any claim for the award of a pension in respect of injuries sustained by a person while serving under a local authority and any question as to the amount of such award;

and it shall be the duty of the Commission to advise on any matter so referred to them and on any other matter relating to employees of local authorities which the Government may refer to them:

Provided that the Government may make orders specifying the matters in which either generally or in any particular class of case or in any particular circumstances, it shall not be necessary for the Commission to be consulted.

(2) In the case of any difference of opinion between the Commission and a local authority on any matter, the local authority concerned shall refer the matter to the Government and the decision of the Government thereon shall be final.

(3) For purposes of this section, 'local authority' means a municipal council, municipal committee, municipal corporation, town committee, notified area committee, town board, sanitary board, taluk board, village panchayat or other authority by whatever name called, constituted under any law for the time being in force for the purpose of local—self government or village administration and includes the Board constituted under the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903), and the City of Bangalore Improvement Act, 1945 (Mysore Act V of 1945).

[1][17A. *Commission to furnish returns, etc., to Government.*—The Commission shall furnish such returns, records and information as may be required by the Government.]

18. *Rules.*—(1) The Government may, in consultation with the Commission by notification in the Official Gazette make rules for carrying out the purposes of this Act.

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1. Inserted by Mysore Act 25 of 1966.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made for the following matters namely :—

(i) the procedure to be followed by the Commission in advertising posts, inviting applications, scrutinising the same, conducting examinations and selecting candidates to carry out the purposes of section 17 ;

(ii) the procedure to be followed by the local authority or any other competent authority for consultation with the Commission ;

(iii) any matter which is incidental to, or necessary for, the purpose of consultation with the Commission ;

(iv) any matter for which rules have to be made under this Act ;

(3) All rules made under this Act shall be laid as soon as they are made before each House of the State Legislature while it is in session, for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of that period, either House of the State Legislature makes any modification in any rule or directs that any rule shall not have effect, and if the modification or direction is agreed to by the other House, the said rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.